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In re Application of  
Tetsuji Sudoh et al  
Serial No.: 08/192,800  
Filed: February 7, 1994  
Attorney Docket No.: 1473063US

## : PETITION DECISION

This is in response to the petition under 37 CFR 1.181, filed May 31, 2005, requesting withdrawal of abandonment based on a timely reply

## BACKGROUND.


A review of the file history shows that the examiner mailed an Office action to applicant on June 2, 2004, setting a three month shortened statutory period for reply. The Office action summary sheet indicated the action to be a Final Office action, however, the text of the Office action did not confirm this status. Applicants conferred with the examiner by telephone to confirm that the Office action was a non-Final action. Applicants replied on September 2, 2004. The examiner mailed an Advisory action to applicants on September 16, 2004. Applicants again conferred with the examiner as to the status of the last Office action and were assured it was a non-Final action and the amendment proper. The examiner mailed a Notice of Abandonment to applicants on May 2, 2005. Applicants filed this petition requesting withdrawal of the abandonment in view of the Office action inconsistency and the examiner's assurances that the action was a non-Final action. In view of the evidence presented it is concluded that the Notice of Abandonment was mailed in error and is withdrawn with the mailing of this petition decision.

The petition is **GRANTED**.

The Office action of June 2, 2004, is determined to be a non-Final Office action and the amendment filed September 2, 2004, will be entered and the application will be forwarded to the examiner for further consideration.

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Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

  
Jasmine C. Chambers  
Director, Technology Center 1600

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**MESSAGE**

Per your request, I attach herewith a copy of the Petition Decision.

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